



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

January 7, 2011

Mr. Randolph L. Everett, Seattle Major Projects Oversight Manager
Federal Highway Administration
711 S. Capitol Way, Suite 501
Olympia, Washington 98501

Margaret Kucharski
WSDOT Environmental Lead
SR 520 Pontoon Construction Project
600 Stewart Street, Suite 520
Seattle, Washington 98101

Re: EPA Region 10 (EPA) comments on the Washington Department of Transportation (WSDOT) SR 520 Pontoon Construction Project (Project) Final Environmental Impact Statement (FEIS). Region 10 Project Number: 08-007-DOT.

Dear Mr. Everett and Ms. Kucharski:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We appreciate your responsiveness to our concerns. Appendix T of the FEIS sufficiently explains how each of our comments on the Draft EIS (DEIS) was considered. With regard to cumulative effects (primarily our concern about the temporary nature of the Project's effects) we appreciate your explanation of decisions to separate operational effects (limited to 4 years) from the facility's permanent physical presence and long term maintenance. With regard to climate change we commend your disclosure of estimated pontoon construction greenhouse gas emissions and encourage your ongoing efforts to minimize fuel use.

We also commented on Land Use and Mitigation Measures and both FEIS Appendix T and changes made to the FEIS itself were responsive to our concerns. For Land Use, the additional information in FEIS Section 3.12 is responsive to our concern about what appeared in the DEIS to be a disagreement between the Cities and the State on "Shorelines of Statewide Significance". Disclosing the relevant Grays Harbor Estuary Management Plan management objective responds to our interest in whether or not designation as a "Shoreline of Statewide Significance" would have mitigation implications for Project alternatives.

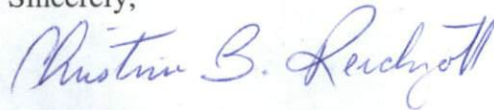
Your responsiveness to our Mitigation Measures comment is exemplary. We appreciate your intention to carefully review and consider our listed potential mitigation measures and

reiterate our interest in construction mitigation measures for air pollution. The FEIS mentions contractual requirements for contractors in the "How could cumulative effects on air quality be mitigated?" section (FEIS, p. 5-19). We believe such contractual requirements are an important method of ensuring environmental protection and recommend you consider EPA's compilation of language used in contracts, codes, laws, rules and other measures for addressing air quality issues, particularly diesel emissions, from construction equipment and other diesel sources.¹ The Northeast Diesel Collaborative Diesel Emission Controls in Construction Projects - Model Contract Specification may be particularly useful.²

In addition to consideration of our listed potential mitigation measures, we note your inclusion of the whole suite of mitigation measures in one chapter within the FEIS. Information in this chapter clearly summarizes how WSDOT would and could mitigate for direct, indirect and cumulative Project effects. By discussing how various cumulative effects "could" be mitigated you have identified a number of important comprehensive strategies and actions which would have environmental benefits. We encourage WSDOT's engagement in these actions and believe the Grass Creek wetland mitigation site is an example of connecting project level decisions to larger scale efforts – such as estuary wide management.

Thank you for this opportunity to review and comment on this project. If you have questions, please contact Erik Peterson of my staff at (206) 553-6382 or at peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

¹ <http://www.epa.gov/otaq/diesel/construction/contract-lang.htm>

² <http://www.epa.gov/otaq/diesel/construction/documents/cl-nedc-model.pdf>